

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES**

In the Matter of

**Microsoft Corp.,
a corporation, and**

**Activision Blizzard, Inc.,
a corporation,**

Respondents.

DOCKET NO. 9412

**SECOND AGREED MOTION OF NON-PARTY SONY INTERACTIVE
ENTERTAINMENT LLC FOR EXTENSION OF TIME TO MOVE TO LIMIT OR
QUASH OR OTHERWISE RESPOND TO SUBPOENA**

Non-party Sony Interactive Entertainment LLC (“SIE”) hereby moves for a two-week extension of time to March 1, 2023, to move to limit or quash or otherwise respond to the subpoena served on SIE by the United States of America Federal Trade Commission (“Complaint Counsel”) on January 20, 2023 (the “Subpoena”). Complaint Counsel agrees with the relief requested in this motion.

Complaint Counsel served SIE with the Subpoena on January 20, 2023, with a production date of February 10, 2023. SIE filed a timely agreed motion for extension of time to move to limit or quash or otherwise respond to the Subpoena, which this Court granted on February 1, 2023. As a result, pursuant to the Court’s order, the current deadline for SIE to move to limit or quash the Subpoena is February 15, 2023.

SIE and Complaint Counsel have made significant progress in their negotiations over the scope of SIE’s production and a discovery schedule. Further, SIE has begun productions to Complaint Counsel and to Respondent.

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Because some items remain outstanding, SIE requests an extension of its deadline to move to limit or quash or otherwise respond to the Subpoena pursuant to 16 C.F.R. § 3.34(c) so that SIE and Complaint Counsel can continue to negotiate and thereby eliminate or narrow any issues that need to be presented to the Court for resolution.

Pursuant to the January 4, 2023 Scheduling Order, Complaint Counsel has until April 7, 2023 to complete fact discovery, and, therefore, SIE does not believe the requested extension of two weeks will delay the progress of these proceedings.

Through correspondence with Complaint Counsel, SIE understands that Complaint Counsel agrees with the relief requested in this motion.

WHEREFORE, for good cause shown, SIE respectfully requests that Your Honor grant the requested relief pursuant to 16 C.F.R. § 4.3(b).

Dated: February 15, 2023

Respectfully submitted,

/s/ C. Lawrence Malm

D. Bruce Hoffman (bhoffman@cgsh.com)

Leah Brannon (lbrannon@cgsh.com)

C. Lawrence Malm (lmalm@cgsh.com)

Isabel Tuz (ituz@cgsh.com)

2112 Pennsylvania Avenue, N.W.

Washington, D.C. 20037

T: +1 202 974 1500

CLEARY GOTTlieb STEEN & HAMILTON LLP

*Counsel for Non-Party Sony Interactive
Entertainment LLC*

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In the Matter of

**Microsoft Corp.,
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**[PROPOSED] ORDER GRANTING AGREED MOTION FOR EXTENSION OF TIME
TO MOVE TO LIMIT OR QUASH OR OTHERWISE RESPOND TO SUBPOENA**

On February 15, 2023, non-party Sony Interactive Entertainment LLC (“SIE”) filed a Second Agreed Motion for Extension of Time to Move to Limit or Quash or Otherwise Respond to a subpoena (“Motion”) served by the United States of America Federal Trade Commission (“Complaint Counsel”) on January 20, 2023.

Under FTC Rule of Practice 3.34(c), any motion to limit or quash a subpoena must be filed within the earlier of ten days of service of the subpoena or the time for compliance therewith. SIE states that it seeks a second extension of time in order to continue its negotiations with Complaint Counsel regarding the subpoena, thereby narrowing potential discovery disputes.

FTC Rule 4.3(b) authorizes the Administrative Law Judge, except in circumstances not here presented, to extend any time limit prescribed by the rules “[f]or good cause shown.” 16 C.F.R. § 4.3(b). Based on the representation in the Motion, SIE has demonstrated good cause for the requested extension. Accordingly, the Motion is GRANTED and it is hereby ORDERED that SIE’s deadline for filing any motion to limit or quash or otherwise respond to the subpoena pursuant to Rule 3.34(c) is extended to March 1, 2023.

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ORDERED:

Date: February [], 2023

D. Michael Chappell
Chief Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2023, I filed the foregoing document electronically using the Federal Trade Commission's e-filing system, which will send notification of such filing to:

April Tabor
Secretary
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-113
Washington, D.C. 20580
ElectronicFilings@ftc.gov

The Honorable D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-110
Washington, D.C. 20580
OALJ@ftc.com

I also certify that I caused the foregoing document to be served via email to:

Complaint Counsel

James Weingarten
James Abell
Meredith Levert
Jennifer Fleury
Cem Akleman
Taylor Alexander
Amanda Butler
Merrick Pastore
Nicole Callan
Ethan Gurwitz
Maria Cirincione
James Gossmann
Stephen Santulli
Edmund Saw
Michael A. Franchak
Peggy Bayer Femenella
Kassandra DiPietro
J. Alexander Ansaldo
David E. Morris
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, D.C. 20580
(202) 326-2289
jweingarten@ftc.gov

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jabell@ftc.gov
mlevert@ftc.gov
jfleury@ftc.gov
cakleman@ftc.gov
talAlexander@ftc.gov
abutler2@ftc.gov
mpastore@ftc.gov
ncallan@ftc.gov
egurwitz@ftc.gov
mcirincione@ftc.gov
jgossmann@ftc.gov
ssantulli@ftc.gov
esaw@ftc.gov
mfranchak@ftc.gov
pbayerfemenella@ftc.gov
kdipietro@ftc.gov
jansaldo@ftc.gov
dmorris1@ftc.gov

Counsel for Respondent Microsoft Corp.

Beth Wilkinson
Rakesh N. Kilaru
Kieran Gostin
Grace L. Hill
Anastasia M. Pastan
Alysha Bohanon
Sarah E. Neuman
Wilkinson Stekloff LLP
2001 M Street, NW
Washington, D.C. 20036
(202) 847-4010
bwilkinsonstekloff.com
rkilaru@wilkinsonstekloff.com
kgostin@wilkinsonstekloff.com
ghill@wilkinsonstekloff.com
apastan@wilkinsonstekloff.com
abohanon@wilkinsonstekloff.com
sneuman@wilkinsonstekloff.com

Michael Moiseyev
Megan Granger
Weil, Gotshal & Manges LLP
2001 M Street, NW
Washington, D.C. 20036
(202) 682-7235
michael.moiseyev@weil.com

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megan.granger@weil.com

Counsel for Respondent Activision-Blizzard, Inc.

Steven C. Sunshine
Julia K. York
Jessica R. Watters
Skadden, Arps, Slate, Meagher & Flom LLP
1440 New York Avenue, N.W.
Washington, D.C. 20005
(202) 271-7860
steve.sunshine@skadden.com
julia.york@skadden.com
jessica.watters@skadden.com

Maria A. Raptis
Michael J. Sheerin
Evan R. Kreiner
Andrew D. Kabbes
Bradley J. Pierson
Matthew M. Martino
Skadden, Arps, Slate, Meagher & Flom LLP
One Manhattan West
New York, NY 10001
(212) 735-2425
maria.raptis@skadden.com
michael.sheerin@skadden.com
evan.kreiner@skadden.com
andrew.kabbes@skadden.com
bradley.pierson@skadden.com
matthew.martino@skadden.com

Respectfully submitted,

/s/ C. Lawrence Malm

D. Bruce Hoffman (bhoffman@cgsh.com)
Leah Brannon (lbrannon@cgsh.com)
C. Lawrence Malm (lmalm@cgsh.com)
Isabel Tuz (ituz@cgsh.com)
2112 Pennsylvania Avenue, N.W.
Washington, D.C. 20037
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